



HUMAN RIGHTS REPORT

Kentucky Commission on Human Rights Quarterly Newsletter

Spring 2002

The Stuff of heroes

Men of Honor's Carl Brashear comes home a Great Black Kentuckian

"There have been heroes for whom this world seemed expressly prepared, as if creation had at last succeeded; whose daily life was the stuff of which our dreams are made..."

Henry David Thoreau

On the last day of February, the newest *Great Black Kentuckian* walked into the state capitol in Frankfort and shut down the senate.

"In all the time I've been covering the legislature," a *Courier-Journal* reporter said with surprise, "I've never seen anything like this."

Everybody loves a hero.

Not even senators were too busy to recess for 30 minutes, line up like kids, ask for autographs, and have pictures made with Carl Brashear.

The famous Navy legend's life story was told in the recent box office hit, *Men of Honor*.

Now a resident of Virginia, he came home to Kentucky in February to be honored as the Ky. Commission on Human Rights 31st member of the *Gallery of Great Black Kentuckians* poster series, a tool used by Kentucky schools and libraries to teach African American history.



Above, Carl Brashear, the newest Ky. Commission on Human Rights *Gallery of Great Black Kentuckians* member, stands at-military-ease while the Kentucky Senate gives him a standing ovation.

During Mr. Brashear's visit, Senator Gerald Neal (D) of Louisville presented him to Governor Paul Patton, the senate and the house. It was Black History Month, and Sen. Neal told Mr. Brashear's story on both floors as a model of African American determination and accomplishment.

Mr. Brashear, 71, is the son of a rural Kentucky sharecropper. He became the first black person to be admitted to a U.S. Navy Dive School. After an accident, he became the Navy's first amputee diver. Later, he became the first African American Naval Master Diver in U.S. history. In 1998, he became one of only seven enlisted sailors enshrined in the U.S. Naval Archives where his legendary exploits are a part of official history.

What makes a hero?

"A hard head and hard work," retired Master Diver Brashear says. "I knew what I wanted and I made up my mind to go after it."

Carl started the Navy with a seventh grade education. He enlisted in 1948, age 17, during military desegregation.

From the desk of

Beverly Watts

Executive Director



pay inequity **Definition: wage injustice. Synonym: discrimination**

More than 35 years after the passage of the U. S. Equal Pay Act, many workers suffer from remarkable disparities in salary.

Women and people of color fall in the categories that continue to show up on the short end of the statistics stick: Same job, but less pay. Same ability, education or skill, but less opportunity for advanced jobs.

This amounts to discrimination. And discrimination is still costly and harmful to everyone. We need to continue to educate the public and push for pay equity.

April 16 was Pay Equity Day. Press conferences and rallies were held around the country during the month. The pay equity movement pushes to eliminate sex, race and other discrimination in setting wages.

The U.S. Department of Labor found that women make only 76% of what men make.

The National Committee on Pay Equity found that a woman must work a full week plus Monday and Tuesday of the following week for her earnings to equal a man's earnings for just one week. A woman must work until May 13 of this year excluding weekends to catch up with what a man in a similar job made in 2001.

The average woman will lose

close to \$500,000 of unequal pay in her working life. What will that do for families? What will that do for children?

The disparity haunts women into their retirement years, limiting their financial security while their life expectancy exceeds that of men by seven years.

“The wage gap helps explain why women are among the poorest people in our country.”

For women of color, the wage gap is even more stark. African American women make only 65 percent of what men in similar jobs make. Latin women make 52%.

Although the gap has been closing in recent years, it is not because women are making more, but because men are making less. The wage gap has narrowed by about 10 percent during the last 17 years.

Many women and people of color are segregated into a small number of jobs such as clerical, service work, nursing, and teaching.

These jobs have historically been undervalued and continue to be underpaid to a large extent because of the gender and race

of the people who hold them.

Pay equity cultivates more prosperity, in general. Pay equity helps workers become self-sufficient and reduces their reliance on government assistance programs.

Balancing the scale does not mandate across-the-board salaries for any occupation, nor does it tamper with supply and demand.

Does pay equity cost employers too much?

In Minnesota, where pay equity legislation meant raises for 30,000 state employees, the cost was only 3.7 percent of the state's payroll budget over a four-year period – less than one percent of the budget each year.

In Washington State, it cost 2.6 percent of the state's personnel costs and was implemented over an eight-year period. Voluntary implementation is cost-effective, while court-ordered pay equity adjustments can lead to greater costs.

Some assert that closing the gap is costly; it's too difficult to accurately compare job classifications; or pay equity would require a national wage-setting system. Don't believe it.

Remember, discrimination by any other name is still discrimination.

Stuff of heroes –Carl Brashear

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regation. Segregation was still prevalent. Because of his race, he was restricted to serve in the Stewart's Branch. His status improved when a fellow sailor got him a job as a beach-master on a ship. As he watched one afternoon from the deck, a white Navy deep sea diver plunged the depths on a mission. Instantly, it became Carl's dream.

He refused to take no for an answer, bucking the pressures of prejudice, isolation and abuse from almost every quarter.

Carl graduated dive school third in a class of 17, and qualified as a diver in 1949.

On March 26, 1966, he lost half his left leg during an expedition on the USS Hoist, while recovering a nuclear warhead sunk in a plane crash in the Mediterranean.

"I found I didn't have a leg to stand on," he jokes.

The diver lost so much blood from the accident, doctors declared him *dead-on-arrival* and sent him to the morgue where a faint pulse was discovered.

Though the Navy officials wanted him to stop diving for good, Petty Officer Brashear would not quit.

It was a long and grueling recovery and rehabilitation. But, Carl demonstrated he could climb ladders, dive, and walk on land in a 190-pound Mark V dive suit (290 pounds with tanks). He trained, ran, and did calisthenics to the amazement of everyone.

"The movie shows me walking 12 steps across the floor for officers once, but I really had to do it over and over," he says with pride.

In 1968, Carl was restored to full



Television crews surrounded Carl Brashear at the unveiling of his *Gallery of Great Black Kentuckians* poster in Louisville.

active duty and dive status. In June 1970, he became a master diver, qualifying him to dive to depths of 300 ft., compared to the 150 ft. regular deep sea divers are allowed to drop.

Stop the presses

Mr. Brashear's Gallery poster unveiling was sponsored by the Kentucky Association of Black Scuba Divers and held in the *Yearlings Club* in Louisville.

The crowd swelled to over 200 fans and autograph hounds of all colors, ages and professional backgrounds including former military service people.

The event captured coverage from every major television news show in the area, TV morning talk shows, radio interviews, *Associated Press* and newspapers.

There is life after the Navy

He was Senior Chief Boatswain's Mate Brashear when he retired from the Navy in 1979, after serving his country for almost 32 years.

He had yet another goal to meet, and attended

college in Maryland. Afterward, he worked for the U.S. again, this time as an environmental technician and environmental protection specialist.

When the father of three sons retired from his environmental career, *Men of Honor* became a reality. "God knew when the time was right and I believe he wanted Cuba to play that role because Cuba was wonderful," he says.

Carl stayed on the set throughout the shooting, acting as a consultant by day and playing cards at night, hanging out with actors Cuba Gooding Jr. and Robert De Niro.

Now Carl travels throughout the country to speak and participate in special events. When he's at home? "I'm a die-hard *Young and the Restless* fan," he reports.

With head, chest and shoulders set at military bearing, Carl Brashear says of his Navy career, "I've never

been on limited duty; not one day, not one hour."





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Ky. releases first Annual Hate Crimes Report

FRANKFORT – The report, *Hate Crime and Hate Incidents in the Commonwealth of Kentucky*, was recently released by the Kentucky Criminal Justice Council.

It includes official federal data reported in the Uniform Crime Reports and state level data reported to the Kentucky State Police.

It also incorporates anecdotal information compiled from select newspapers; reports received by the Kentucky Commission on Human Rights; information provided by the Kentucky Fairness Alliance; and data collected by the Anti-Defamation League.

Ky. Commission on Human Rights Executive Director Beverly Watts headed the Hate Crimes Statistics Work Group. The group played an integral role in producing the report.

“The goal of the Hate Crimes Statistics Work Group was to provide a comprehensive picture of hate crime in Kentucky,” Ms. Watts said. “The report will serve to inform both the public and state policy as it relates to the incidence

and prevalence of bias-motivated crime.”

“Crimes committed because of the race, color, religion, sexual orientation, or national origins of the victims are intolerable,” said Governor Paul Patton. “I have supported legislation enhancing penalties for hate crimes in the past and will continue to do so in the future.”

Anecdotal reports obtained from selected local newspapers, either through Internet searches or as identified by Hate Crime Statistics Work Group members, provide evidence of an additional 54 hate-related incidents from 1990 to 2001.

While the identified incidents do not reflect an exhaustive survey of newspaper articles, they serve to augment official reports of hate crime in the commonwealth.

It should also be noted that nine of the hate-related incidents were reported following the September 11, 2001 terrorist attacks. Reported hate-related incidents typically include harassment, vandalism, cross burnings, arson, and physical attacks.

Hate Crimes Report Highlights

National reports suggest that in 2000, 54.5% of all hate-bias offenses were racially motivated. Almost one-third of all hate crime incidents in the United States occurred at a home or residence (32.1%). Over two-thirds of all hate incidents in the United States in 2000 were for intimidation and destruction, damage, or vandalism offenses (67.7%).

In 2000, national reports indicate that, 17.2% of all hate-bias offenses were motivated by religion, while in Kentucky only 2.8% of all hate-bias offenses were motivated by religion. Underreporting of religious motivated hate-bias crime is one explanation given for the disparate data. However, anecdotal reports of religious motivated hate-bias offenses have increased since September 11, 2001.

In 2000, according to the Kentucky State Police, 76.7% of all reported hate-bias offenses in Kentucky were racially motivated. In 2000, more than one-third of all bias-motivated crimes occurred at a residence or home (34.2%). Almost two-thirds (63%) of all hate-bias crimes reported in 2000 to the Kentucky State Police were for intimidation and destruction, damage, or vandalism offenses.

From January 2001 – September 2001, the most commonly reported bias motivation reported to the Kentucky State Police was racial. In 2001, more than one-third of all bias motivated crime occurred at a residence or home (36.5%). Almost half (49.2%) of all hate-bias crimes reported in 2001 to the Kentucky State Police were intimidation offenses.

In the Public Eye



National Fair Housing Month programs raise awareness

New HUD study looks at public awareness levels

U.S. HUD released a survey in April that found while a majority of Americans are aware of fair housing rights, many are unaware of the extent of the protection provided by the law. The telephone survey of 1,001 adults was conducted in December 2000 and January 2001.

Seventy percent knew the law prohibits discrimination based on race and that Fair Housing law applies also to the advertising of property.

Only a slight majority knew that it's against the law...

- for landlords to refuse someone with a mental illness who does not pose a danger;

- to deny permission for a disabled renter to add a wheelchair ramp;

- for a real estate agent to limit families home searches to traditionally white areas.

Just over a third of those polled knew families with children cannot be denied housing.

Kentucky Gov. Paul E. Patton signed the April 2002 Fair Housing Month Proclamation in the state capitol rotunda in Frankfort on April 4.

With him in the photo above, from left to right, are: Charles Leachman and F. Lynn Luallen, Ky. Housing Corp.; Cyndi Thornburg, KCHR; Sue Darling and Ben Cook, HUD; Priscilla Johnson, KCHR; Jody Lassiter, Dept. for Local Govt.; Beverly Watts, KCHR; and, Myralee Smith and Mike Hale, Dept. for Local

Govt.

Ms. Thornburg, KCHR housing supervisor, appeared throughout Kentucky with other KCHR organization partners during the month of April to inform the public about the right to housing.

"Housing discrimination cases are increasing," said Ms. Thornburg.

"We believe part of the reason is the result of public awareness programs made possible through the Fair Housing initiative," she said.

KCHR approves 14 conciliations

The Kentucky Commission on Human Rights approved 14 conciliation agreements at its regular meetings on Feb. 28, March 27 and April 25 2002 in Louisville, totaling \$29,044. Conciliation agreements are not admissions by any respondents of any violations of the law. All respondents deny any allegations of violations of the law. Conciliations are reached through KCHR negotiations between the plaintiffs and respondents.

Medina v. Speedway Super America

Pedro Medina of Louisville alleged discrimination based on national origin in a public accommodation in violation of the Kentucky Civil Rights Act, KRS 344.120. Mr. Medina claimed he was denied the full and equal enjoyment of goods and services at a Speedway gas station located at 1648 Mellwood Ave. in Louisville because of his national origin, Cuban.

During the course of investigation, both parties agreed to conciliate the matter. The company agreed to compensate Mr. Medina in the amount of \$2,000 in consideration for the full and complete resolution of all claims.

Martinez v. Speedway Super America

Yamir Martinez of Louisville alleged discrimination based on national origin

in a public accommodation in violation of the Kentucky Civil Rights Act, KRS 344.120. Mr. Martinez claimed he was denied the full and equal enjoyment of goods and services at a Speedway gas station located at 1648 Mellwood Ave. in Louisville because of his national origin, Cuban. During the course of investigation, both parties agreed to

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KCHR approves conciliations

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conciliate the matter. The company agreed to compensate Mr. Martinez in the amount of \$2,000 in consideration for the full and complete resolution of all claims.

Roberts v. Swifty Gas

Ericka Roberts of Louisville alleged discrimination based on race in a public accommodation in violation of the Kentucky Civil Rights Act KRS 344.120. Ms. Roberts claimed she was denied gas pump attendant service at Swifty Service Station #237, located at 5520 Bardstown Rd. in Louisville because of her race, African American. During the course of investigation, both parties agreed to conciliate the matter. The company agreed to compensate Ms. Roberts in the amount of \$2,750 in consideration for the full and complete resolution of all claims.

Caldwell v. Ten Broeck Dupont Hospital

Fredericka Caldwell of Louisville alleged discrimination based on race in employment in violation of the Kentucky Civil Rights

Act, KRS 344.040. Ms. Roberts claimed she was subjected to different treatment than co-workers at Ten Broeck Dupont Hospital in Louisville because of her race, African American.

During the course of investigation, both parties agreed to conciliate the matter. The company agreed to compensate Ms. Caldwell in the amount of \$750 in consideration for the full and complete resolution of all claims.

Eback v. Taco Bell

Stephanie Eback of Glasgow alleged discrimination based on race in employment in violation of the Kentucky Civil Rights Act, KRS 344.040. Ms. Eback claimed she was subjected to a hostile work environment and was not promoted or trained after being offered a management position because of her race, African American, by her employer, Taco Bell, 380 N. Roger Wells Blvd., of Glasgow. During the course of investigation, both parties agreed to conciliate the matter. The company agreed to compensate Ms. Eback in

the amount of \$2,572, and offered her reemployment with a guaranteed wage and number of hours in consideration for the full and complete resolution of all claims.

Turner v. Ann Taylor Distribution Services Inc.

Kenya Turner of Louisville alleged discrimination based on race in employment, which is in violation of Title VII of the 1964 Civil Rights Act and the Kentucky Civil Rights Act, KRS 344.040. Ms. Turner claimed that when she went to an employee sale held by the company, she was stopped by security until it was confirmed the company employed at least one black female. She claimed she was admitted and afterward was shadowed by security while shopping. During the course of the investigation both parties agreed to conciliation. The company agreed to compensate Turner in the amount of \$2,000.

Fields v. Palmer
KCHR Commissioner

Annazette Fields alleged discrimination in housing based on family status, which is in violation of KRS 344.260 and 344.280 of the Kentucky Civil Rights Act. Ms. Fields claimed that Kathryn Palmer of Sadieville, Ky. placed a newspaper advertisement for the rental of her residential property that stipulated no children would be accepted. Ms. Palmer admitted to placing the ad and that she did so based on reasons of safety. She denied any allegations of discrimination. The parties agreed to conciliate. Ms. Palmer agreed to obey Fair Housing laws and to attend Fair Housing training.

Fields v. Georgetown News Inc. dba Scott Shopper

KCHR Commissioner Annazette Fields alleged discrimination based on familial status in housing in Georgetown in violation of the Kentucky Civil Rights Act, KRS 344.380 and KRS 344.280. Ms. Fields claimed the Scott Shopper newspa-

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Governor appoints new human rights commissioner



Richard E. Brown was sworn in as commissioner by Chair Priscilla Johnson recently.

Governor Paul E. Patton appointed Richard Eugene Brown to the Kentucky Commission on Human Rights on March 5.

Mr. Brown, who will represent the Second Supreme Court District, was sworn in at the regular Commission meeting in April.

The 59-year-old Owensboro resident is employed by the Kentucky Justice Cabinet Department of Corrections as the Probation and Parole supervisor for the 13th District. He holds a degree in sociology from Brescia University. He is

the Owensboro Career Development Association president and NAACP second vice-president of Minority Recruitment. He is a Daviess County School System board member. Commissioner Brown replaces former Commissioner Lawrence F. Smith of Radcliff, who resigned due to his recent appointment as Workers Compensation Board Administrative law judge. Mr. Brown will serve for the remainder of the un-expired term ending Sept. 12, 2003.

per advertised rental properties in which no children would be accepted. Scott Shopper owner Michael Scogin acknowledged the ads, attributing their publication to new employees who were unfamiliar with discrimination issues. He said corrected action was taken by conducting discrimination awareness training and the company has taken steps to ensure such events would not be repeated. During the course of investigation, both parties agreed to conciliate the matter in consideration for the full and complete resolution of all claims. The company agreed to compensate the Commission in the amount of \$1,500, attend Fair Housing training and undergo Commission monitoring.

Hile v. Leroy's Food Mart and Cafe

Rick Hile of Henderson alleged discrimination based on disability in a public accommodation in violation of the Kentucky Civil Rights Act, KRS 344.140. Mr. Hile claimed he was denied the full and equal enjoyment of goods and services at Leroy's Food Mart and Café located in Henderson, when the business failed to provide a handicapped-accessible bathroom after Mr. Hile requested the accommodation. Mr. Hile's disability causes him to utilize a wheelchair. During the course of investigation, both parties agreed to conciliate the matter in consideration for the full and complete resolution of all claims. The company agreed to extend a written apology to Mr. Hile and to renovate the bathroom facilities to accommodate his disability.

Blakley v. Whites Mobile Homes

Jennings Blakley of Corbin alleged discrimination based on age in employment in violation of the Kentucky Civil Rights Act, KRS 344.040, and The Age Discrimination in Employment Act. Mr. Blakley claimed he was terminated from his sales position with Whites Mobile Homes Inc. of London in May

1999 because of his age, over 40. During the course of investigation, both parties agreed to conciliate the matter in consideration for the full and complete resolution of all claims. The company agreed to compensate Mr. Blakley in the amount of \$600 and consent to a three-year reporting period to the Commission.

Grant v. 5-7-9 Store

Patricia Grant of Louisville alleged discrimination based on race in employment in violation of the Kentucky Civil Rights Act, KRS 344.040 and KRS 344.070. Ms. Grant, African American, claimed she was subjected to different treatment than white co-workers at the

KCHR enforces the Kentucky Civil Rights Act, which prohibits discrimination based on race, sex, religion, national origin, age (over 40), color, disability, familial status, retaliation in employment, housing, public accommodation, and financial services. Complaints that cannot be dismissed, settled or conciliated, go to administrative hearing, where Commission decisions have the authority of a court of law.

5-7-9 Store located at 5000 Shelbyville Rd. in St. Matthews, by being held to a higher disciplinary standard and by being given insufficient training compared to white managers. During the course of investigation, both parties agreed to conciliate the matter in consideration for the full and complete resolution of all claims. The company agreed to compensate Ms. Caldwell in the amount of \$6,000 and \$500 in store certificates, and provide a neutral letter of reference.

Wren v. ATR Wire and Cable Co.

Linda Wren of Danville alleged discrimination based on age in employment in violation of the Kentucky Civil Rights Act, KRS 344.040, and The Age Discrimination in Employment Act. Ms. Wren claimed ATR Wire and Cable Co. Inc. of Danville demoted her and reduced her pay because of her age, over 40. During the course of investigation, both parties agreed to conciliate the matter. The company agreed to compensate Ms. Wren in the amount

of \$3,042, restore her previous higher salary, provide a neutral job reference, and consent to a three-year reporting period to the Commission.

Warren v. Mortenson Broadcasting

Karriuan Warren of Frankfort alleged discrimination based on sex in employment in violation of The Kentucky Civil Rights Act, KRS 344.040. Ms. Warren claimed that Mortenson Broadcasting of Lexington suspended her from employment and later terminated her, treating her differently than male employees who are not terminated under similar circumstances from employment. After the Commission made a determination of probable

cause, the two parties agreed to conciliate the matter in consideration for the full and complete resolution of all claims. The company agreed to compensate Ms. Warren in the amount of \$3,650.

Timon v. Home Supply dba The Galt House and The Galt House East

Betty Timon of Bellevue alleged discrimination based on disability in violation of The Kentucky Civil Rights Act, KRS 344.120, and The American Disabilities Act. Ms. Timon claimed she was denied the use of a TDD/TTY telephone for the hearing impaired by The Galt House of Louisville. After the Commission made a determination of probable cause, the parties agreed to conciliate the matter prior to a hearing in consideration for the full and complete resolution of all claims. The company agreed to compensate Ms. Timon in the amount of \$2,000, provide a fixed and static ADA compliant TDD/TTY telephone among the largest bank of pay phones located both at The Galt House and The Galt House East, provide 25 kits for use in hotel rooms for guests, and provide notice of these services in lobbies and to guests.

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HUMAN RIGHTS REPORT

Inside this edition...



How did this man (back row, center) cause such a stir in Kentucky recently? Here, he is surrounded by young admirers, and on the back row left is Beverly Watts, KCHR executive director.

See the front page.